
SENATE BILL No. 234

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-9.1-1-7; IC 4-12-1-12; IC 4-13-2-23; IC 4-23-5.5-14.

Synopsis: Recycling promotion and assistance fund. Prohibits transfers from the Indiana recycling promotion and assistance fund to any other fund.

Effective: July 1, 2010.

Breaux

January 11, 2010, read first time and referred to Committee on Appropriations.

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Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

SENATE BILL No. 234

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 4-9.1-1-7, AS AMENDED BY P.L.246-2005,
2 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2010]: Sec. 7. (a) The board may transfer money between
4 state funds, and the board may transfer money between appropriations
5 for any board, department, commission, office, or benevolent or penal
6 institution of the state. After the transfer is made the money of the fund
7 or appropriation transferred is not available to the fund or the board,
8 department, commission, office, or benevolent or penal institution from
9 which it was transferred.
- 10 (b) In addition to a transfer under subsection (a), the board may
11 transfer money from an appropriation for any board, department,
12 commission, office, or benevolent or penal institution of the state to the
13 Indiana economic development corporation.
- 14 (c) An order by the board to make a transfer under this section is
15 sufficient authority for the making of appropriate entries showing the
16 transfer on the books of the auditor of state and treasurer of state.
- 17 (d) The authority given the board under this section to make



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transfers does not apply to trust funds. For the purposes of this section, "trust fund" means a fund which by the constitution or by statute has been designated as a trust fund or a fund which has been determined by the board to be a trust fund.

(e) The authority given the board under this section to make transfers does not apply to the Indiana recycling promotion and assistance fund established by IC 4-23-5.5-14.

SECTION 2. IC 4-12-1-12, AS AMENDED BY P.L.146-2008, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 12. (a) Within forty-five (45) days following the adjournment of the regular session of the general assembly, the budget agency shall examine the acts of such general assembly and, with the aid of its own records and those of the budget committee, shall prepare a complete list of all appropriations made by law for the budget period beginning on July 1 following such regular session, or so made for such other period as is provided in the appropriation. While such list is being made by it, the budget agency shall review and analyze the fiscal status and affairs of the state as affected by such appropriations. A written report thereof shall be made and signed by the budget director and shall be transmitted to the governor and the auditor of state. The report shall be transmitted in an electronic format under IC 5-14-6 to the general assembly.

(b) Not later than the first day of June of each calendar year, the budget agency shall prepare a list of all appropriations made by law for expenditure or encumbrance during the fiscal year beginning on the first day of July of that calendar year.

(c) Within sixty (60) days following the adjournment of any special session of the general assembly, or within such shorter period as the circumstances may require, the budget agency shall prepare for and transmit to the governor and members of the general assembly and the auditor of state, like information and a list of sums appropriated, all as is done upon the adjournment of a regular session, pursuant to subsections (a) and (b) of this section to the extent the same are applicable. The budget agency shall transmit any information under this subsection to the general assembly in an electronic format under IC 5-14-6.

(d) The budget agency shall administer the allotment system provided in IC 4-13-2-18.

(e) The budget agency may transfer, assign, and reassign any appropriation or appropriations, or parts of them, excepting those appropriations made:

(1) to the Indiana state teacher's retirement fund established by

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1 IC 5-10.4-2; or

2 **(2) from the Indiana recycling promotion and assistance fund**
 3 **established by IC 4-23-5.5-14;**

4 **that are** made for one specific use or purpose to another use or purpose
 5 of the agency of state to which the appropriation is made, but only
 6 when the uses and purposes to which the funds transferred, assigned
 7 and reassigned are uses and purposes the agency of state is by law
 8 required or authorized to perform. No transfer may be made as in this
 9 subsection authorized unless upon the request of and with the consent
 10 of the agency of state whose appropriations are involved. Except to the
 11 extent otherwise specifically provided, every appropriation made and
 12 hereafter made and provided, for any specific use or purpose of an
 13 agency of the state is and shall be construed to be an appropriation to
 14 the agency, for all other necessary and lawful uses and purposes of the
 15 agency, subject to the aforesaid request and consent of the agency and
 16 concurrence of the budget agency.

17 (f) One (1) or more emergency or contingency appropriations for
 18 each fiscal year or for the budget period may be made to the budget
 19 agency. Such appropriations shall be in amounts definitely fixed by
 20 law, or ascertainable or determinable according to a formula, or
 21 according to appropriate provisions of law taking into account the
 22 revenues and income of the agency of state. No transfer shall be made
 23 from any such appropriation to the regular appropriation of an agency
 24 of the state except upon an order of the budget agency made pursuant
 25 to the authority vested in it hereby or otherwise vested in it by law.

26 SECTION 3. IC 4-13-2-23 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 23. (a) The state board
 28 of finance may transfer, assign, or reassign any appropriation,
 29 appropriations, or part thereof, **except an appropriation made from**
 30 **the Indiana recycling promotion and assistance fund established by**
 31 **IC 4-23-5.5-14, that are made** for one (1) specific use or purpose to
 32 another use or purpose of any officer or agency so long as the use and
 33 purpose to which it is transferred, assigned, or reassigned is a use or
 34 purpose which the officer or agency is required or authorized to
 35 perform. For the purposes of this section, all appropriations made
 36 before or after March 13, 1947, to any officer or agency shall be
 37 deemed and taken as appropriations to that officer or agency for the use
 38 of such officer or agency for any purpose or duty said officer or agency
 39 is required to or may perform by law. No transfer under this subsection
 40 shall be made except upon the request of or with the consent of such
 41 officer or agency.

42 (b) All of the rights, powers, and duties by law in effect on March

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13, 1947, imposed upon and vested in the state board of finance which are in conflict with the provisions of this chapter or imposed on some other officer or agency are hereby eliminated from the powers and duties of the state board of finance.

SECTION 4. IC 4-23-5.5-14, AS AMENDED BY P.L.178-2009, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 14. (a) The Indiana recycling promotion and assistance fund is established. The purpose of the fund is to promote and assist recycling throughout Indiana by focusing economic development efforts on businesses and projects involving recycling. The fund shall be administered by the board.

(b) Sources of money for the fund consist of the following:

- (1) Appropriations from the general assembly.
- (2) Repayment proceeds of loans made from the fund.
- (3) Gifts and donations.
- (4) Money from the solid waste management fund.
- (5) Variable recycling fee revenue deposited under IC 13-20.5-2-1.

(c) Money remaining in the fund at the end of a state fiscal year does not revert to the state general fund. **Money may not be transferred, assigned, or otherwise removed from the fund by the state board of finance, the budget agency, or any other state agency.**

(d) The board may use money in the fund to make loans to assist:

- (1) persons in establishing new recycling businesses;
- (2) in the expansion of existing recycling businesses; and
- (3) manufacturers in retrofitting equipment necessary to reuse or recycle secondary materials.

(e) The board shall establish loan:

- (1) amounts;
- (2) terms; and
- (3) interest rates.

(f) The board may use money in the fund to make grants for research and development projects involving recycling. The board shall establish amounts for grants.

(g) A person, business, or manufacturer that wants a grant or loan from the fund must file an application with the board.

(h) The board shall establish criteria for awarding grants and loans under this section.

(i) The board may transfer money in the fund to the state solid waste management fund established by IC 13-20-22-2 for use by the department of environmental management to make payments under

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1 IC 13-20-17.7-6.

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